

DECLARATORY
Improvement Res. No. 1263-1970

For the Vacation of Delaware Avenue from the
East property line of Inwood Drive to the East
line of Delta Heights Addition.

Resolution Adopted: April 6, 1970

Confirmed: April 6, 1970

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

SEP 3 - 1970

B.O.116-69

DECLARATORY RESOLUTION NO. 1263-1970

For the Vacation of Delaware Avenue from the East property line of Inwood Drive to the East line of Delta Heights Addition.

PLANS ORDERED:

ADOPTED: April 6, 1970

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVER WAS SIGNED

CONFIRMED: April 6, 1970

ASSESSMENT ROLL ORDERED: April 6, 1970

ASSESSMENT ROLL APPROVED: Aug. 18, 1970

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Sept. 3, 1970, 3:30 p. m.

NOTICE SERVED: Aug. 21, 1970

ASSESSMENT ROLL CONFIRMED: Sept. 3, 1970

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Delaware Avenue from the East property line of Inwood Drive to the East line of Delta Heights Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Delaware Avenue from the East property line of Inwood Drive to the East line of Delta Heights Addition.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 66 and 67, Delta Heights Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the Southeast quarter of Section Thirty-two, Township 31 North, Range 13 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS _____ DAY OF _____ 19

Attest:

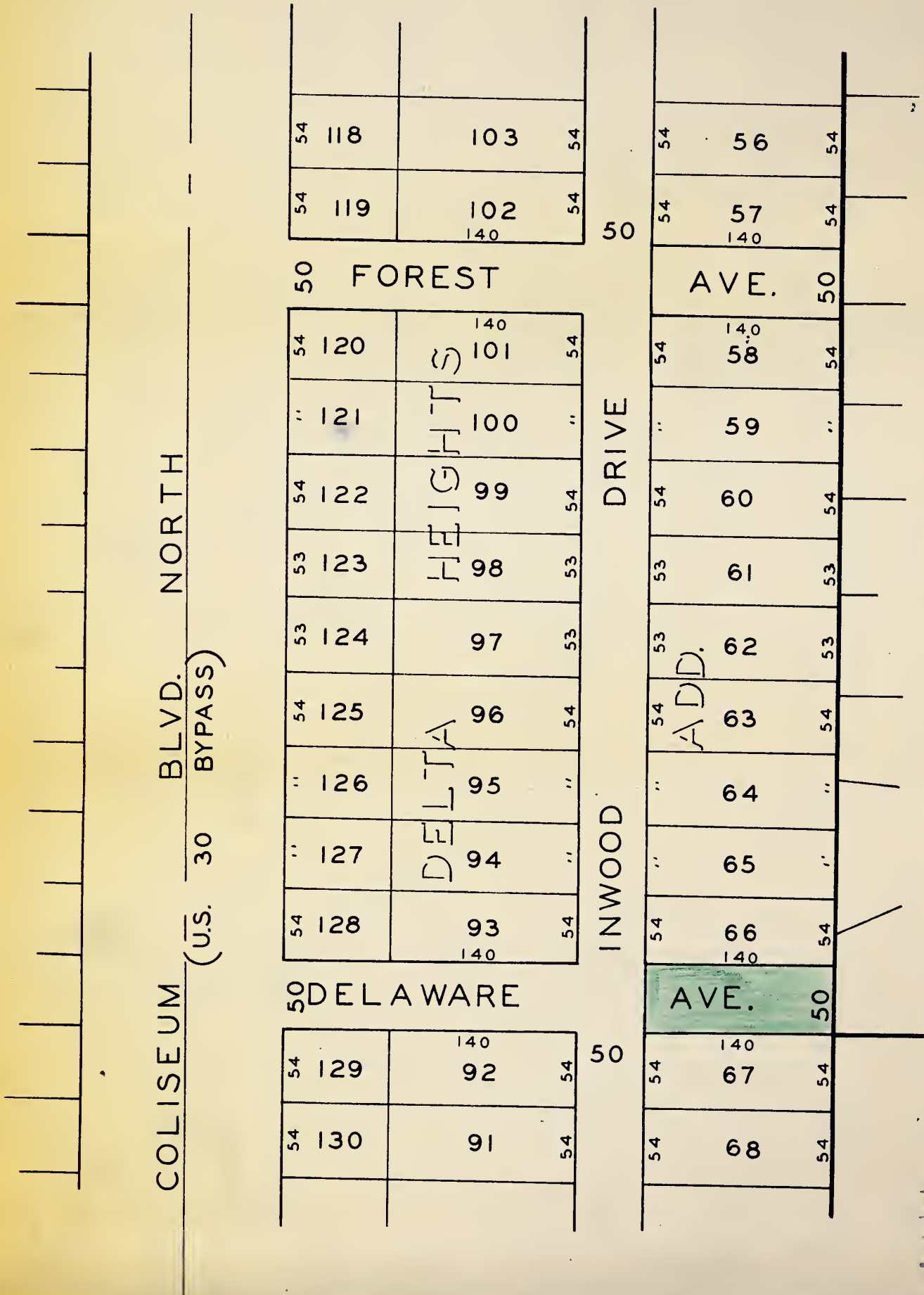
Secretary Board of Public Works.

David L. Bureau
Robert W. Dehman

Board of Public Works.



PORTION OF STREETS TO BE VACATED



1263
1264

ENGINEERING
DEPT. OF STREETS

OTED

DATE August 14, 1970

TO: Board of Public Works

☐ F.S.E.

☒ R.W.D.

SUBJECT: Board Order No. 116-1969

☐ G.F.G.

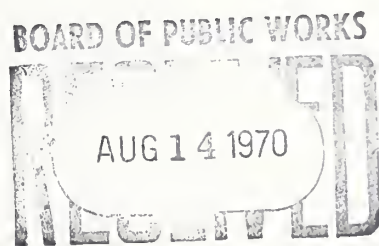
Re: Declaratory Resolution No. 1263-1970 which provides for the vacation of Delaware Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition.

We are attaching a copy of a recorded easement grant which Indiana and Michigan Electric Company requested in connection with the above described street vacation.

Please file it with the resolution as a permanent record.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

NOTED

55-33-6

Date April 6, 1970

☐ F.S.E.
☒ R.W.D.
☐ G.F.G.

B.O.116-69

To City Engineer

Date

Subject Dec. 1263-1970 Vacation Delaware Ave.

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. Reso. & P. O. List

Signed

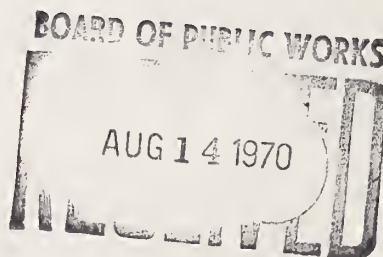
Reply:

August 13, 1970

Assessment roll of Benefits and Damages completed and attached.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

Name Jehl Homes Corporation Eas. No. Map No. A 8-R 301
Address Fort Wayne, Indiana W. O. 736-9741-00-0306 8752

This Indenture, made this 29th day of May, 1970 by and between
Jehl Homes Corporation, a corporation organized and existing under the
laws of the State of Indiana, with its principal place of business at Fort Wayne, Indiana,
party of the first part and INDIANA & MICHIGAN ELECTRIC COMPANY together with GENERAL
TELEPHONE COMPANY OF INDIANA, INC., corporations organized and existing under the laws of
the State of Indiana with their principal places of business at Fort Wayne, Indiana, parties of the second
part.

Witnesseth: That for One Dollar (\$1.00) in hand paid to the party of the first part by the
parties of the second part, the receipt of which is hereby acknowledged, said party of the first part
hereby grants, bargains, sells, conveys, and warrants to the parties of the second part, their successors
and assigns forever, a right of way and easement with the right, privilege and authority to said parties
of the second part, their successors, assigns, lessees, and tenants to construct, erect, operate and main-
tain line of poles and wires for the purpose of transmitting, distributing and delivering electric
or other power, including telegraph and telephone wires in, on, along, over, through or across and also
along any highway as now or hereafter laid out, abutting the following described lands situated in
City of Ft. Wayne-St. Joseph Township, in the County of Allen in the State of
Indiana, and part of Section No. 32 Township No. 31 North and Range No. 13 East
to wit:

The south seven (7) feet of that part of Delaware Avenue lying north of Lot #67,
Delta Heights Addition to the City of Fort Wayne, being a part of that portion of
said Delaware Avenue which will revert to the Grantor herein by reason of vacating
said Avenue.

Allen County Recorder
1970 JUN 5 PM 2 41

DULY ENTERED FOR TAXATION

JUN - 4 1970

Walter H. Summers
AUDITOR OF ALLEN COUNTY

TOGETHER with the right to said parties of the second part, their successors and assigns to place, erect, maintain,
inspect, add to the number of, and relocate at will, poles, anchors, cross-arms or fixtures, and string wires and cables,
adding thereto from time to time, across, through or over the above described premises, to cut or otherwise control and
at its option, remove from said premises of the party of the first part adjoining the same on either side, any trees,
overhanging branches or other obstructions which may endanger the safety or interfere with the use of said poles or
fixtures or wires attached thereto, or any structure on said premises, and the right of ingress and egress to and over said
above described premises and any of the adjoining lands of the party of the first part, at any and all times, for the pur-
pose of patrolling the line, of repairing, renewing or adding to the number of said poles, structures, fixtures and wires and
for doing anything necessary or useful or convenient for the enjoyment of the easement herein granted, also the privi-
lege of removing at any time any or all of said improvements erected upon, over, or on said land together with the
rights, privileges, easements and appurtenances in or to said lands which may be required for the full enjoyment of the
rights herein granted. Parties of the second part will immediately repair or replace all fences, gates, drains and ditches
injured or destroyed by it on said premises or pay first party all damages done to the fences, drains, ditches, crops and
stock on the premises herein described, caused by the construction, operation and maintenance of said lines. All claims
for damages caused in the operation and maintenance of said lines shall be made at the office of the Indiana & Michigan
Electric Company at 2101 Spy Run Avenue, Fort Wayne, Indiana, within thirty days after such damages accrue. If the
respective parties cannot agree on the amount of damages the same shall be arbitrated. This indenture contains all
agreements, expressed or implied between the parties hereto.

Party of the first part through its duly authorized officers certifies under oath that no Indiana gross income tax is
due or payable at this time in respect to the transfer made by this indenture.

To Have and to Hold the same unto said parties of the second part, their successors
and assigns.

In Witness Whereof, the party of the first part has caused its corporate name and seal
to be hereto affixed the day and year first above written.

Signed and Acknowledged in the presence of:

Jeanne H. Irons
Jeanne H. Irons

JEHL HOMES CORPORATION

By

Thomas P. Jehl
Thomas P. Jehl, President

ATTEST:

Margaret A. Jehl
Margaret A. Jehl

Instrument D 2102

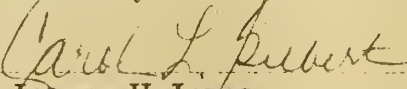
Name _____
Address _____
Line _____
Eas. No. _____ Map No. _____

Received for Record M 19
Recorded in Deed Records 19
Volume _____ Page _____
Recorder _____
of _____ County _____
State of _____

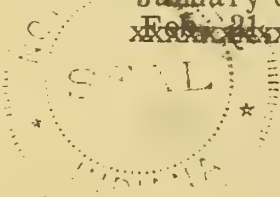
STATE OF INDIANA }
County of Allen } ss:

Before me, the undersigned, a Notary Public, in and for Said County and State, this 29th day of May A.D., 1970, personally appeared the within named Thomas P. Jehl and Margaret A. Jehl, known to me to be President and Secretary respectively of Jehl Homes Corporation, a corporation, who, as such President and Secretary respectively of such corporation, acknowledged the execution of the foregoing instrument and affixed thereto the corporate seal of said corporation as the free and voluntary act of said corporation for the uses and purposes therein set forth, and said officers, having been duly sworn, swear that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.


~~Jeane H. Jones~~ Notary Public.
Carol L. Gilbert

My Commission expires:
January 8, 1973
~~February 21, 1972~~



WAIVER OF PUBLIC HEARING

WHEREAS Jehl Homes Corporation, an Indiana corporation, and Thomas P. Jehl have petitioned the Board of Public Works of the City of Fort Wayne, Indiana, to vacate the following streets located within the corporate limits of the City of Fort Wayne, Indiana:

Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas the statutory proceedings for vacation of any street within the city limits calls for the Board of Public Works to adopt a resolution to that effect, describing the property which may be injuriously affected and shall cause notice of such resolution to be published in a newspaper of general circulation published in such city, once each week for two consecutive weeks, and shall name a date not less than ten days after the last publication at which time such Board will receive or hear remonstrances from persons interested in or affected by such proceedings (Burns Indiana Statutes, 1963 Replacement, Section 48-2001);

Whereas said streets sought to be vacated have never been improved or used as a street or thoroughfare;

Whereas Jehl Homes Corporation is the owner in fee simple of the following described Real Estate in Allen County, Indiana, to-wit:

Lots Numbered 54-75 inclusive, 90, 91, 92, 95-101 inclusive, 120, 121, 125, 126, 129, 130, 131, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, at page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas Thomas P. Jehl is the owner in fee simple of the following described Real Estate in Allen County, Indiana:

Lots Numbered 123 and 124, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas the above-named parties own all of the real estate contiguous to the portion of said streets sought to be vacated, as indicated by the Exhibit attached hereto, made a part hereof, and marked "Exhibit A";

NOW THEREFORE, being fully advised in the premises, the undersigned hereby waive the notice and public hearing required by Burns Indiana Statutes, 1963 Replacement, Section 48-2001, and we respectfully ask the Board of Works of the City of Fort Wayne, Indiana, to vacate the following streets located within the corporate limits of the City of Fort Wayne, Indiana:

Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana.

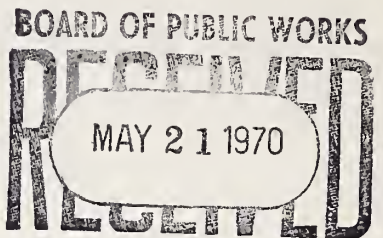
Dated this 12th day of August, 1969.

By:

1263

City of Fort Wayne

CITY ENGINEERING DEPT.
425 S. CALHOUN STREET
FORT WAYNE, IND. 46802



May 20, 1970

Mr. William D. Swift
590 Lincoln Bank Tower
Fort Wayne, Indiana 46802

Re: Vacation of Delaware Avenue

Dear Mr. Swift:

Indiana and Michigan Electric Company has determined they will require an overhead easement in connection with the vacation of Delaware Avenue from Inwood Drive to the east line of Delta Heights Addition.

Mr. Thomas Carrens of Indiana and Michigan Electric Co. will contact you regarding the details on this matter. Please have Jehl Homes Corporation execute the instrument which Mr. Carren will prepare.

Also, I understand Sewer Engineering has sent you an easement grant for the sewer in Forest Avenue.

As soon as both instruments are signed and recorded, we will forward the assessment rolls of benefits and damages to the Board of Public Works which will finalize these vacations.

Yours truly,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

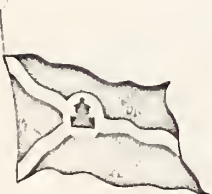
DEB:lc

cc: Thomas Carrens
Board of Public Works ✓
(Board Order No. 116-69)

NOTED

☒ F.S.E.
☐ R.W.D.
☐ G.F.G.

Date _____



OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

NOTED

F.S.E.

R.V.

G.F.G.

B.O. 116-69

Date

53-275-9

July 31, 1969

Date

To City Engineer

Subject Vacation - Delaware Avenue & Forest Avenue

Received petition for vacation of parts of Delaware Avenue and Forest Avenue, as per General Ordinance No. G-54-69.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. copy of petition & Ordinance

Signed

Reply:

April 2, 1970

We are attaching a Declaratory Resolution, drawing and property ownership list for the vacation of Delaware Avenue from Inwood Drive to the east line of Delta Heights Addition.

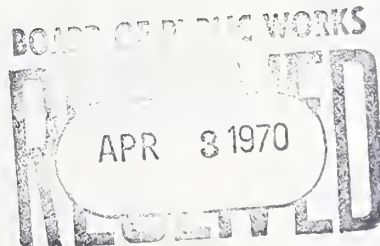
It will not be necessary to hold a public hearing on this resolution as the only property owners involved have signed a waiver, which is also attached.

The Forest Avenue vacation is being forwarded under Board Order #56-1970

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:tkk

attachs.



Signed

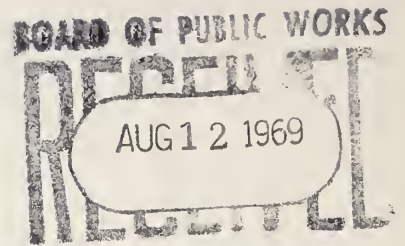
1263

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

August 11, 1969

William J. Jones
City Plan Director

Thomas Manny
Traffic Engineer



NOTE
☒ F.S.E.
☒ R.W.D.
☐ G.F.G.
Date *[Signature]*

Please submit your opinion and recommendation on the following proposed vacations:

Delaware Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition.

Forest Avenue from the east property line of Inwood Drive to the east line of Delta Heights Addition.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

✓ cc: Board of Public Works
(Board Order No. 116-1969)

City of Fort Wayne

CITY ENGINEERING DEPT.
425 S. CALHOUN STREET
FORT WAYNE, IND. 46802

August 11, 1969

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company

We have received a petition to vacate the following:

Delaware Avenue from the east property line of Inwood Drive
to the east line of Delta Heights Addition.

Forest Avenue from the east property line of Inwood Drive to
the east line of Delta Heights Addition.

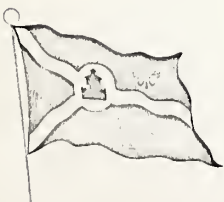
Please check your easement requirements on the enclosed post cards
and return to us as soon as possible.

Yours very truly,

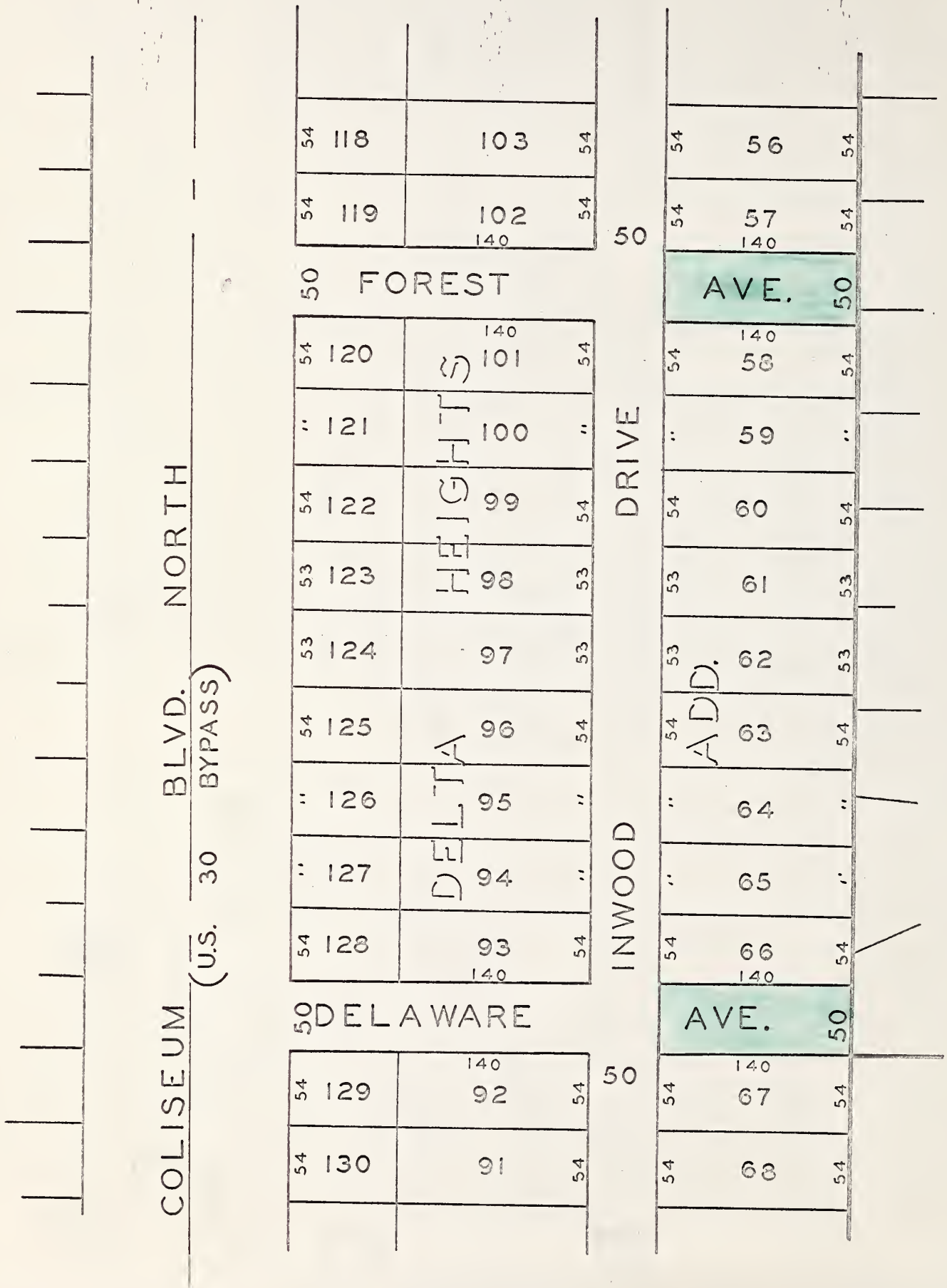
Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works ✓
(Board Order 116-1969)



PORTION OF STREETS TO BE VACATED



PETITION FOR VACATION OF STREETS

Jehl Homes Corporation, an Indiana corporation, and Thomas P. Jehl, hereby respectfully petition The Board of Public Works of the City of Fort Wayne, Indiana, to vacate the following streets located within the corporate limits of the City of Fort Wayne, Indiana:

Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana.

In support of said petition, the petitioners represent the following:

1. That Jehl Homes Corporation is the owner in fee simple of the following described Real Estate in Allen County, Indiana, to-wit:

Lots Numbered 54-57 inclusive, 90, 91, 92, 95-101 inclusive, 120, 121, 125, 126, 129, 130, 131, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, at page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

2. That Thomas P. Jehl is the owner in fee simple of the following described Real Estate in Allen County, Indiana:

Lots Numbered 123 and 124, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

3. That the petitioners own all of the real estate contiguous to the portion of said street sought to be vacated, as indicated by the Exhibit attached hereto, made a part hereof, and marked Exhibit "A";

4. That the only persons, firms, corporations, or entity which might have a particular interest in the requested vacation or upon whose property the vacation of said street might have some effect is the City of Fort Wayne, Indiana, and the citizens thereof;
5. That said portion of Delaware Avenue and Forest Avenue which is sought to be vacated are streets which were dedicated when the plat of Delta Heights Addition was platted, but said portions of said streets sought now to be vacated have never been improved or used as a street or thoroughfare;
6. That said streets are neither necessary nor advantageous to the growth of the City of Fort Wayne; that said vacation will not leave any real estate within the City of Fort Wayne without ingress or egress by means of a public way or street; that the vacation of said street will not cut off any access of the public to any church, school or public ground and that it would be in the best interests of the City of Fort Wayne and the citizens thereof that said portions of said streets be vacated, in that the vacation of said portion of said streets would enable petitioners to make advantageous and proper development of the property for the public and private interest of the citizens of Fort Wayne;
7. That your petitioners have previously filed their petition with the Fort Wayne City Plan Commission, and a resolution has been adopted by the Fort Wayne City Plan Commission on March 24, 1969, following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Indiana Statutes, 1964 Replacement, Sec. 53-744), and the Common Council of the City of Fort Wayne amended its Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of

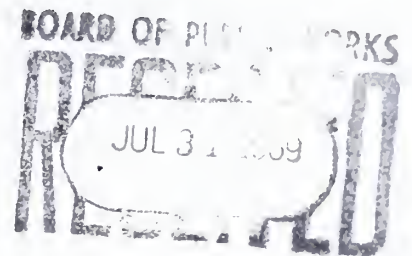
Fort Wayne on November 26, 1963, by deletion of said streets.

WHEREFORE, your petitioners pray the portions of the streets described above be vacated according to the provisions of Indiana law pertaining thereto and that the master plan be amended to effect and designate said vacation of said portions of said streets.

Dated this 30th day of July, 1969.

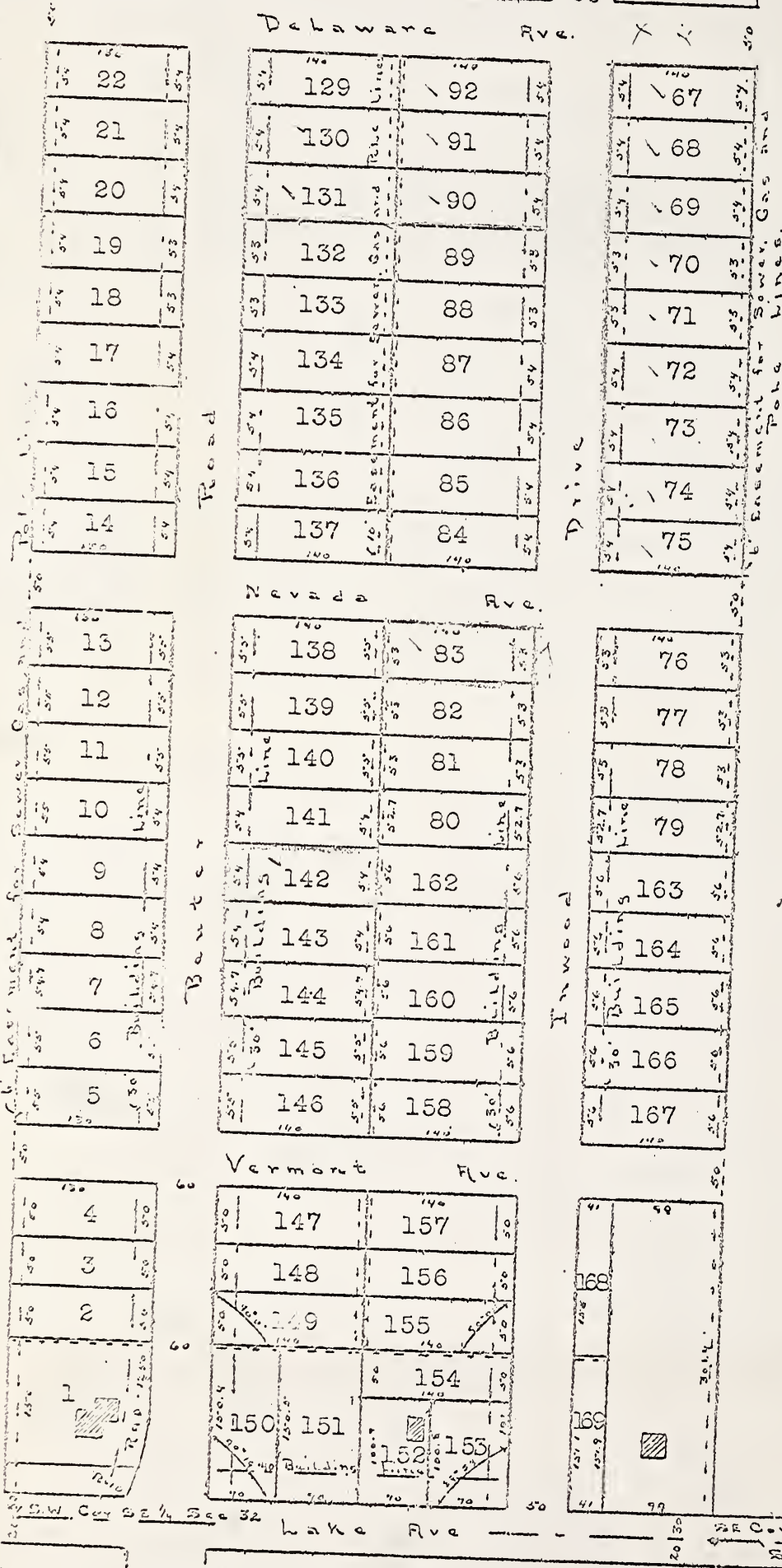
HIGGINS & SWIFT

By: *William D. Swift*
William D. Swift
Attorney for Petitioners



AN ABSTRACT OF TITLE OF: Lot Number
in Delta Heights Addition to the City of Fort Wayne, in St.
Joseph Township, Allen County, Indiana. (See Amended Caption)

DELTA HEIGHTS ADDITION.



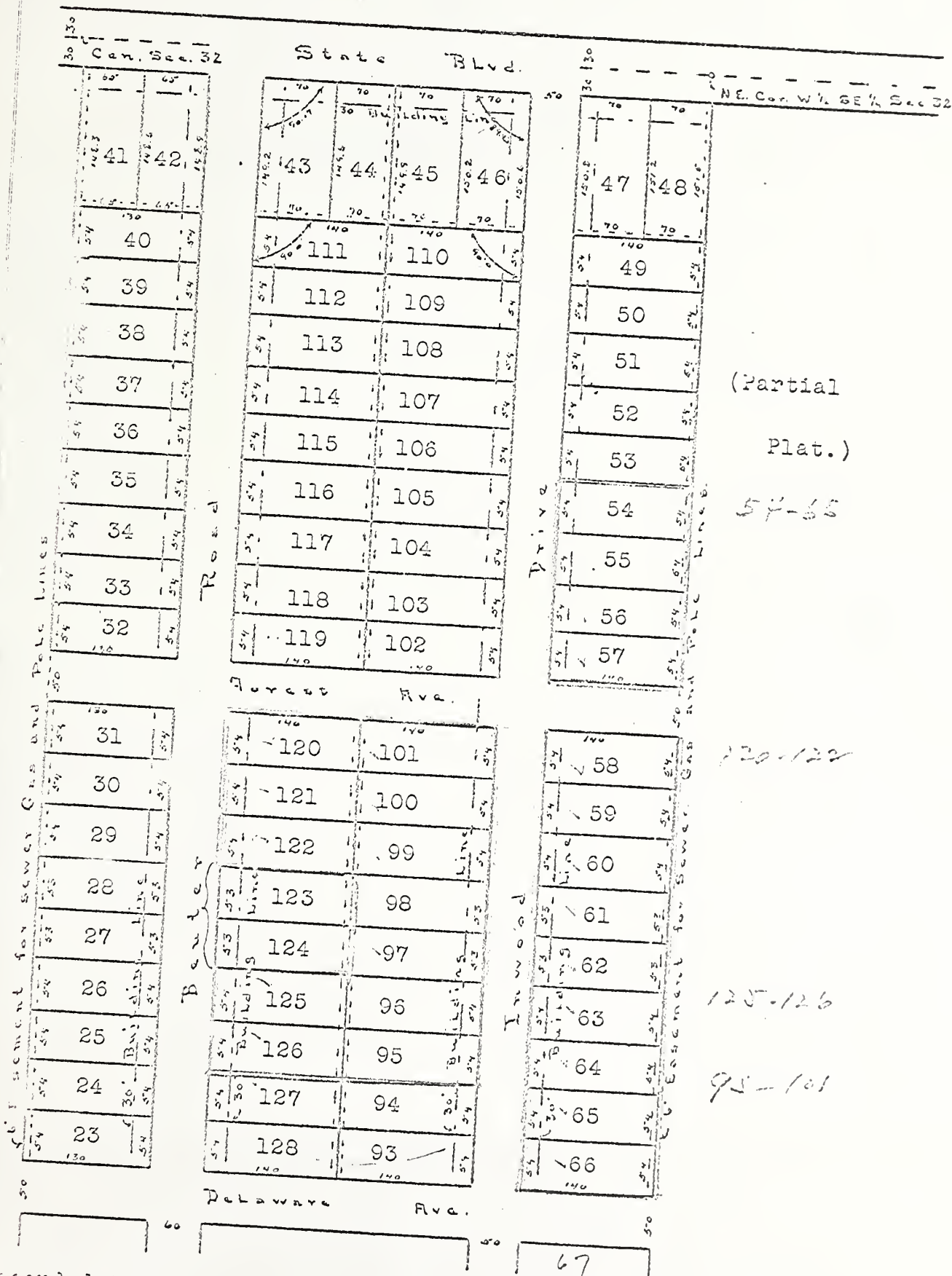
Recorded August 6, 1925.

PLAT RECORD 11 page 35.

AN ABSTRACT OF TITLE OF: Lot Number Fifty Four (54)
in Delta Heights Addition to the City of Fort Wayne, in St.
Joseph Township, Allen County, Indiana.

(See Amended Caption)

DELTA HEIGHTS ADDITION.



Recorded August 6, 1925.

PLAT RECORD 11 page 85.

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, APRIL 22, 1969

CITY OF FORT WAYNE, INDIANA
Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chamber Tuesday evening, April 22, A.D., 1969, in Regular Session. President Herbert G. Tipton in the chair, and Fuad G. Bonahoom, Clerk, at the desk, present the following members nine, viz:

Adams, Dunifon, Fay, Geake, Nuckols, Robinson, Rousseau, Steigerwald, Tipton.
Absent none

The minutes of the last regular April 8, 1969, session having been delivered to the Council, were, on motion, approved as published.

COMMUNICATION FROM THE MAYOR

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Fay:

Today, April 9, 1969, I have approved the following ordinances passed by the Common Council at its regular meeting on April 8, 1969:

(Bill No. Z-69-01-22)

ZONING MAP ORDINANCE NO. Z-66-69

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-7.

(Bill No. Z-69-02-21)

ZONING MAP ORDINANCE NO. Z-67-69

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. DD-16.

(Bill No. Z-69-02-23)(Amended)

ZONING MAP ORDINANCE NO. Z-68-69

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. JJ-4,

(Bill No. Z-69-02-26)

ZONING MAP ORDINANCE NO. Z-69-69

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. B-7.

(Bill No. Z-69-02-27)

ZONING MAP ORDINANCE NO. Z-70-69

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. DD-14,

(Bill No. G-69-03-15)

GENERAL ORDINANCE NO. G-52-69

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a public street known as Riedel Place.

Bill No. G-69-04-14

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of portions of Delaware Avenue and Forest Avenue, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Edwin J. Rousseau
Jack K. Dunifon
John H. Robinson
Celia Ann Fay
William K. Geake

Concurred in 4-22-69.

Fuad G. Bonahoom.
City Clerk

Bill No. G-69-04-14

GENERAL ORDINANCE NO. G-54-69

AN ORDINANCE amending General Ordinance No. G-97
by authorizing the vacation of portions of
Delaware Avenue and Forest Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A petition for the vacation of portions of Delaware Avenue and Forest Avenue by JEHL HOMES CORPORATION, having been filed with the Fort Wayne City Plan Commission, and a resolution having been duly adopted by the Fort Wayne City Plan Commission on March 24, 1969 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the state of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Indiana Statutes, 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public streets located in Fort Wayne, Allen County, Indiana, to-wit:

Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85 of the Records in the office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85 of the Records in the office of the Recorder of Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Edwin J. Rousseau
Councilman

Read the third time in full and on motion by Rousseau seconded by Robinson and duly adopted, placed on its passage. Passed by the following vote:

Ayes nine

Adams, Dunifon, Fay, Geake, Nuckols, Robinson, Rousseau, Steigerwald, Tipton.

Nays none

Date: 4-22-69.

Fuad G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-54-69 on the 22nd day of April, 1969.

ATTEST: (SEAL)

Fuad G. Bonahoom
City Clerk

Herbert G. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1969 at the hour of 8:30 o'clock A.M., E.S.T.

Fuad G. Bonahoom
City Clerk

Approved and signed by me this 25th day of April, 1969, at the hour of 9:11 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor.

Bill No. A-69-04-01

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance appropriating funds from the General Fund of the 1969 Budget to Account No. 11-2-214 in the 1969 Budget of the City Plan Commission, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

John H. Robinson
Jack K. Dunifon
Edwin J. Rousseau
Thomas G. Adams
William K. Geake

Concurred in 4-22-- 9.

Fuad G. Bonahoom
City Clerk

Bill No. A-69-04-01

APPROPRIATION ORDINANCE NO. A-51-69

AN ORDINANCE appropriating funds from the General Fund of the 1969 Budget to Account No. 11-2-214 in the 1969 Budget of the City Plan Commission.

Dec.
1263

62-374-7

12/29/75

RELEASE OF EASEMENT

AGREEMENT made this 26 day of December, 1975, between the CITY OF FORT WAYNE, INDIANA, and THOMAS P. JEHL, Witnesseth:

WHEREAS, on the plat of Delta Heights Addition, as recorded in Plat Record 11 at page 85 in the records in the Office of the Recorder of Allen County, Indiana, a five (5') foot easement was dedicated for sewer, gas, and pole lines across the rear of the following platted lots in said addition:

Lots Numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131.

NOW, THEREFORE, in consideration of the payment of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, the CITY OF FORT WAYNE, INDIANA, hereby releases and abandons to THOMAS P. JEHL, the easement above-described, with the intention of terminating said easement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 26 day of December, 1975.

CITY OF FORT WAYNE, INDIANA
Board of Public Works

By: [Signature]

By: Carl E. O'Neal

By: Betty Lou Nault

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named Jerry D. Boswell, Carl E. O'Neal and Betty Lou Nault of the City of Fort Wayne Board of Public Works, and acknowledged the execution of the foregoing Release of Easement for and on behalf of said City and by its authority.

In Witness Whereof, I have hereunto set my hand and seal this 26 day of December, 1975.

My commission expires:

Notary Public

In connection with the...
... (Rev. 1263 & 1264)

A G R E E M E N T

Improvement Resolution No. 5541 - 1970

Declaratory Resolution No. 1262 - 1970

WHEREAS, L.W. Dailey, Inc. was awarded a contract pursuant to the above resolutions; and,

WHEREAS, all of contractor's required performance has been satisfactorily completed; and,

WHEREAS, payment pursuant to said contract has not been made due to litigation in the Allen Superior Court; and,

WHEREAS, said suits have been settled;

NOW, THEREFORE, the City of Fort Wayne and L.W. Dailey, Inc. agree as follows:

1. L.W. Dailey, Inc. will accept bonds in the sum of \$11,000.00 plus interest in the sum of \$3,663.00.

2. The City of Fort Wayne will pay the sum of \$23,500.00 in cash to L.W. Dailey, Inc.

For and in consideration of said sums, the receipt of which is hereby acknowledged by the execution of this instrument, L.W. Dailey now forever waives any right to further compensation as a result of work done pursuant to the above resolutions.

L.W. DAILEY, INC.

Date

March 24, 1975

By:

[Signature]

CITY OF FORT WAYNE

Date

March 24, 1975

By:

[Signature]

House Memorandum

To Edna

Date 9/13

From JB

Subject _____

COPIES TO:

Please phone Bill
Fiskeing at Dailey and
inform him that we have
asked our attorneys to move
on clearing this up -

4:45 - No Ans - 743-1120
9-15-72 Left message

File

House Memorandum

To Mr. John Logan, Assoc. City Attorney Date September 11, 1972

From Ron Bonar

Subject South Anthony Pavement

COPIES TO:

Dr. Boswell ✓
Ken Traylor

Under Declaratory Resolution 1262-70, the Board of Works condemned right of way from K-Mart South on the west side of Anthony between 27 and Old Decatur Road. This condemnation was necessary to allow for the improvement of Anthony, and the Assessment Roll was confirmed on May 21, 1970. A remonstrance was filed by Sidney D. Eskenazi, and I believe a filing in the courts followed.

Under Improvement Resolution 5541-70 the Board of Works improved Anthony Boulevard under a contract with L. W. Dailey, Inc. The Final Assessment Roll was confirmed on February 16, 1971, and again a remonstrance was filed by Sidney Eskenazi. I believe this was followed with a filing in the courts. Mr. Eskenazi owns the K-Mart South, and his share of the assessment is \$21,181.12.

Bill Fishering recently asked the Board if there is something we can do to expedite the litigation with Mr. Eskenazi to allow his company to collect these outstanding assessments. Would you please check into this and if you cannot find the complaints that were filed in the court, I am sure that Mr. Jim Soloman, attorney for Mr. Eskenazi, would be happy to supply same. The Board would appreciate if you could set these for trial as we do feel we have a moral obligation to the contractor in bringing these problems to a conclusion.

Yours truly,



Ron Bonar
BOARD OF PUBLIC WORKS

RB:rs

INWOOD DRIVE TO THE EAST ~~PROPERTY~~ LINE OF DELTA HEIGHTS ADDITION.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	JEHL HOMES CORP.	2220 Kensington Blvd.	66			DELTA HEIGHTS ADDITION
2	" "	" "	67			" "
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1263